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<div align="right">Atty Docket No.: 10018744-1
App. Ser. No.: 10/084,436</div>

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. Claims 1-36 are pending, of which claims 1, 14, 18, 22 and 24 are independent.

Claims 1-2, 8-19, 24-25 and 31-36 were rejected under 35 U.S.C. §102(b) as being anticipated by Walker et al. (5,862,223), referred to as Walker.

Claims 3-7, 20-23 and 26-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Walker in view of Herz (6,460,036).

These rejections are respectfully traversed for the reasons set forth below.

Drawings

The Office Action did not indicate whether the formal drawings filed February 28, 2002 are accepted. The Examiner is requested to indicate in the next communication whether the formal drawings are accepted.

Claim Rejections Under 35 U.S.C. §102(b)

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

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Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-2, 8-19, 24-25 and 31-36 were rejected under 35 U.S.C. §102(b) as being anticipated by Walker.

According to embodiments described in the Applicants' specification, an anonymous path is formed between peers in a computer network exchanging data, wherein the peers include computing platforms. For example, the peer 110a shown in figure 1 sends a request for data to a trusted-third party 130, which may also be a peer in the network. The trusted third-party 130 searches a directory to determine whether any of the peers contain the data requested by the data requestor, i.e., the peer 110a in this example. The trusted third-party 130 determines that the peer 110n stores the requested data, i.e., the data provider in this example. The trusted third party 130 selects a plurality of peers in the network to form a path between the data provider and the data requestor. The trusted third party 130 forms a mix comprising the identities of the peers in the path. The identities are made anonymous, for example, through steps of the method 400. Thus, malicious users monitoring network traffic may be unable to determine the identities of peers in the path and the location of information in the network.

Walker, in contrast, describes a method for an end user to get answers from experts. For example, an end user needs expert review of an academic paper or needs an answer to a question about running the user's business. See column 11, lines 12-55. The end user

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submits a request for a human expert qualified to respond to the user's question to a central controller. The central controller searches a database for an expert that is qualified to respond to the user request. The central controller sends the request to an expert if a qualified expert is found. The expert responds to the request. See columns 35-36. A path including a plurality of peers in a network is not determined or transmitted.

Claim 1 recites, "determining whether a data provider exists that stores the requested data; wherein the data provider is a peer of the peers." Walker discloses determining a list of experts that satisfy criteria in an end user request. Walker, however, does not disclose determining a list of peers (computing platforms) storing requested data. The experts in Walker are not peers comprising computing platforms storing data. Accordingly, Walker fails to teach determining whether a data provider exists that stores the requested data

Claim 1 as amended includes generating a mix including an anonymous identity of each of the plurality of peers in the path. The Office Action cites column 35, line 45-column 36, line 42 as allegedly disclosing generating a mix and transmitting the mix to the data provider. Columns 35-36 of Walker describe an example of submitting and responding to an end user request. Alice the end user submits a request to the trusted third party/central controller, Carol. Carol selects an expert, Bob, for responding to the request. Carol sends the request to Bob. Bob sends the answer to Carol and Carol sends the answer to Alice.

Walker fails to teach that the messages sent between Alice, Carol, and Bob include an anonymous identifier for each of the plurality of peers in the path. Walker discloses a single identifier N in column 36, line 1 for Alice, but fails to disclose transmitting a mix including an identifier of each of a plurality of peers in a path between a data provider and a data requestor. Furthermore, the path in Walker only includes a single person, Carol, between the

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data provider, Bob, and the data requestor, Alice. Thus, Walker fails to teach or suggest

selecting a plurality of peers for a path between Bob and Alice or transmitting a mix

including an identifier for each of a plurality of peers in the path. Also, Walker fails to teach

an anonymous identifier for each of a plurality of peers in the path. Walker discloses an

anonymous mix. Messages are made anonymous by varying the length and timing of

delivery. See column 34, lines 5-6. However, Walker fails to teach anonymous identifiers

for each of a plurality of peers in the path.

For at least these reasons claims 1-13 are believed to be allowable. Independent

claims 18 and 24 recite features similar to the features of claim 1 described above.

Accordingly, claims 18-21 and 24-36 are also believed to be allowable.

Independent claim 14 has been amended to recite, "wherein the mix includes an

anonymous identity of each of a plurality of peers in a path between a data provider and a

data requestor in the network." Walker fails to teach transmitting a mix including an

identifier of each of a plurality of peers in a path between a data provider and a data

requestor. Furthermore, the path in Walker only includes a single person, Carol, between the

data provider, Bob, and the data requestor, Alice. Thus, Walker fails to teach or suggest

selecting a plurality of peers for a path between Bob and Alice or transmitting a mix

including an identifier for each of a plurality of peers in the path. Also, Walker fails to teach

an anonymous identifier for each of a plurality of peers in the path. Walker discloses an

anonymous mix. Messages are made anonymous by varying the length and timing of

delivery. See column 34, lines 5-6. However, Walker fails to teach anonymous identifiers

for each of a plurality of peers in the path. Accordingly, claims 14-17 are also believed to be

allowable.

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In addition, dependent claims 8, 9, 17, 31 and 32 recite a decoy mix. The claimed

decoy mix is not mentioned in the rejection of these claims. Also, the claimed decoy mix is

not taught by Walker.

Claim Rejections Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for

purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria
> must be met. First, there must be some suggestion or motivation,
> either in the references themselves or in the knowledge generally
> available to one of ordinary skill in the art, to modify the reference
> or to combine reference teachings. Second, there must be a
> reasonable expectation of success. Finally, the prior art reference
> (or references when combined) must teach or suggest all the claim
> limitations. The teaching or suggestion to make the claimed
> combination and the reasonable expectation of success must both
> be found in the prior art and not based on applicant's disclosure. *In
> re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails

to render obvious the claimed invention and, thus, the claimed invention is distinguishable

over the cited reference(s).

Claims 3-7, 20-23 and 26-30 were rejected under 35 U.S.C. §103(a) as being

unpatentable over Walker in view of Herz

Independent claim 22 has been amended to recite:

> a mix configured to provide a path among a plurality of the peers
> between a data provider and a data requestor in the network, wherein the mix
> includes an anonymous identity of each of the plurality of peers in the path.

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Walker fails to teach transmitting a mix including an identifier of each of a

plurality of peers in a path between a data provider and a data requestor.

Furthermore, the path in Walker only includes a single person, Carol, between the

data provider, Bob, and the data requestor, Alice. Thus, Walker fails to teach or

suggest selecting a plurality of peers for a path between Bob and Alice or transmitting

a mix including an identifier for each of a plurality of peers in the path. Also, Walker

fails to teach an anonymous identifier for each of a plurality of peers in the path.

Walker discloses an anonymous mix. Messages are made anonymous by varying the

length and timing of delivery. See column 34, lines 5-6. However, Walker fails to

teach anonymous identifiers for each of a plurality of peers in the path. Accordingly,

claims 14-17 are also believed to be allowable.

Herz was combined with Walker to allegedly teach decrypting a data reference

with an encryption key. Claim 22 recites, "an encrypted reference to requested data

encrypted with a first encryption key." It is unclear from the rejection what teaching

of Herz the Examiner is relying on as a teaching of the claimed encrypted reference

data. Clarification of this issue is requested in the next office action if a rejection

applying Herz is made.

The rejection, in a bolded statement, indicates that the proxy server S2

separates the received message M into the requested message R, the pseudonym P and

a set of envelopes. However, the requested message R, the pseudonym P and a set of

envelopes are not a reference to requested data. The message R is the request and not

a reference to the request. The pseudonym P is a pseudonym of a user and not a

pseudonym of the request, and the set of envelopes are for a return path. None of

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these are a reference to requested data, and thus Herz fails to teach or suggest an encrypted reference to requested data.

Herz also fails to remedy the deficient teachings of Walker for claim 22. Accordingly, claims 22 and 23 are believed to be allowable. Claims 3-7, 20-21 and 26-30 are believed to be allowable at least for the reasons their respective independent claims are believed to be allowable.

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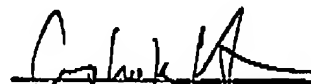App. Ser. No.: 10/084,436

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this

application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would

assist in resolving any issues pertaining to the allowability of the above-identified

application, please contact the undersigned at the telephone number listed below. Please

grant any required extensions of time and charge any fees due in connection with this request

to deposit account no. 08-2025.

Respectfully submitted,

Dated: January 13, 2006   By

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